

C. Remarks

The claims are 1-15, with claims 1, 8 and 11 being independent. The independent claims have been amended to further clarify the present invention. Support for this amendment may be found, for example, in the substitute specification at page 7, lines 8-12. No new matter has been added. Reconsideration of the claims is expressly requested.

Claims 1-3 and 11-13 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application No. 2005/0272169 A1 (Griffin). Claims 4, 5 and 8 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from Griffin. Claims 6, 7, 9, 10, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from Griffin in view of U.S. Patent No. 6,432,719 B2 (Vann). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly discuss some of the features and advantages of the presently claimed invention. That invention is related, in pertinent part, to a biochemical reaction cartridge and to a method and system utilizing this cartridge. The biochemical cartridge in accordance with the claimed invention includes a reaction portion and a solution storage portion, which is separated from the reaction portion when the cartridge is not in use. As a result, only the solution storage portion containing desired reaction materials may be stored at low temperatures or even in a frozen state, if desired. Furthermore, different solution storage

portions can be independently used in combination with the same reaction portion depending on what type of inspection is desired.

Griffin is directed to a biochemical analysis device. This reference discloses that an intermediate layer is provided between a solution storage chamber containing a solution and a reaction chamber, and the solution is moved from the solution storage chamber to the reaction chamber by breaking the intermediate layer by a pin, a projection, pressurization, or heating. However, Applicants respectfully submit that Griffin fails to disclose or suggest a cartridge in which a solution storage portion is separated from the reaction portion when the cartridge is not in use. Griffin appears to disclose a unitary multi-layered structure in which the upper layer 12 is combined with the lower layer 11 even when the device is not in use.

Vann cannot cure the deficiencies of Griffin. Specifically, like Griffin, Vann does not teach a cartridge in which a solution storage portion is separated from the reaction portion when the cartridge is not in use.

Accordingly, whether considered separately or in combination, Griffin and Vann cannot affect the patentability of the presently claimed invention. Wherefore, withdrawal of the outstanding rejections and expedient passage of the application to issue are respectfully requested.

This Amendment should be entered, because it places the case in allowable form. Alternatively, it places the case in better form for a possible appeal.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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